

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SCANSOFT, INC.

Plaintiff,

v.

ART ADVANCED RECOGNITION
TECHNOLOGIES, INC.

Defendant.

Civil Action No.

04 10840 PBS

Jury Trial Demanded

MAGISTRATE JUDGE Alexander

RECEIPT # 55356
AMOUNT \$150
SUMMONS ISSUED yes
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY. CLK. Tom
DATE 4/27/04

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, ScanSoft, Inc. ("ScanSoft"), for its Complaint against defendant, ART Advanced Recognition Technologies, Inc. ("ART"), alleges as follows:

NATURE OF THE ACTION

1. This is a patent infringement action against ART based on its infringing conduct in connection with the manufacture, sale, and distribution of software products. ScanSoft seeks, *inter alia*, injunctive relief and damages for acts of patent infringement in violation of United States patent law, 35 U.S.C. §101 *et seq.*, and other applicable law.

PARTIES

2. ScanSoft is a corporation organized and existing under the laws of the State of Delaware with its principal place of business located at 9 Centennial Drive, Peabody, Massachusetts 01960.

3. Upon information and belief, defendant ART is a corporation organized and existing under the laws of the State of Delaware with its headquarters located at 1588 Atkinson

Road, Lawrenceville, GA 30043. ART designs, makes, licenses and sells computer software for speech recognition. Upon information and belief, ART does business in this judicial district and is committing acts of infringement in this judicial district. Further, upon information and belief, ART is selling and/or licensing infringing products to national manufacturers who are integrating them into devices such as mobile telephones and placing the devices into the stream of commerce, knowing that a likely destination of the products is Massachusetts.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this judicial district under §§ 1391 and 1400(b).

THE PATENTS INFRINGED

6. On December 31, 2002, United States Patent No. 6,501,966 was duly and legally issued in the names of Bernard F. Bareis, et al. for an invention entitled "Speech Recognition System For Electronic Switches in a Non-Wireline Communications Network" ("the '966 patent").

7. ScanSoft is the owner of the entire right, title, and interest in and to the '966 patent. A copy of the '966 patent is attached to this Complaint as Exhibit A.

8. Defendant ART has and is engaged in acts of direct and contributory infringement and has and is actively inducing infringement of the '966 patent by making, using, offering to sell, and selling products which make use of one or more of the inventions claimed in the '966 patent. Upon information and belief, ART's infringing activity has taken place in Massachusetts,

and products incorporating the infringing technology have been sold and are being sold in Massachusetts.

**COUNT I
INFRINGEMENT OF THE '966 PATENT**

9. ScanSoft realleges and incorporates paragraphs 1 through 8 of its Complaint as if set forth fully herein.

10. In violation of 35 U.S.C. §271(a) and (c), ART has and is engaged in acts of direct and contributory infringement of the '966 patent, and will continue to do so unless enjoined by this Court.

11. In violation of 35 U.S.C. §271(b), ART has and is actively inducing infringement of the '966 patent, and will continue to do so unless enjoined by this Court.

12. Upon information and belief, ART's infringement of the '966 patent has been and continues to be willful.

13. ScanSoft has been and continues to be damaged and irreparably harmed by ART's infringement of the '966 patent.

CLAIM FOR RELIEF

WHEREFORE, ScanSoft respectfully request that the Court enter a judgment and decree:

- A. Holding that ART has infringed one or more claims of the '966 patent;
- B. Preliminarily and permanently enjoining ART from continuing to infringe the '966 patent;
- C. Awarding to ScanSoft damages arising from such infringement and other unlawful acts by ART, together with interest and costs;
- D. Awarding to ScanSoft enhanced damages pursuant to 35 U.S.C. § 284 and as otherwise permitted by law;

- E. Awarding to ScanSoft its attorneys' fees in this action pursuant to 35 U.S.C. § 285 and as otherwise permitted by law; and,
- F. Granting ScanSoft such other and further relief as this Court deems just and proper.

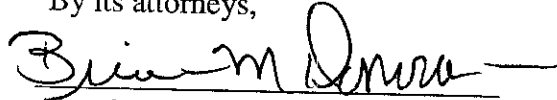
DEMAND FOR JURY TRIAL

ScanSoft respectfully demands a trial by jury on all issues that are properly triable to a jury in this action.

Dated: April 27, 2004

SCANSOFT, INC.

By its attorneys,



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